



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,219	07/27/2000	Christof Niehrs	40168	4031

7590

09/20/2002

Roylance Abrams  
Berdo & Goodman  
Suite 600  
1300 19th Street  
Washington, DC 20036

EXAMINER

ANDRES, JANET L

ART UNIT

PAPER NUMBER

1646

DATE MAILED: 09/20/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/530,219

Applicant(s)

NIEHRS ET AL.

Examiner

Janet L Andres

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-7 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 1646

## DETAILED ACTION

### *Election/Restrictions*

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1 and 7, drawn to the wnt inhibitor protein encoded by the sequence of figure 2.1 and a method of using it, classified in class 530, subclass 350 and 514, subclass 2.

Group II, claim(s) 1 and 7, drawn to the wnt inhibitor protein encoded by the sequence of figure 2.3 and a method of using it, classified in class 530, subclass 350 and 514, subclass 2.

Group III, claim(s) 1 and 7, drawn to the wnt inhibitor protein encoded by the sequence of figure 2.4 and a method of using it, classified in class 530, subclass 350 and 514, subclass 2.

Group IV, claim(s) 1 and 7, drawn to the wnt inhibitor protein encoded by the sequence of figure 2.5 and a method of using it, classified in class 530, subclass 350 and 514, subclass 2.

Group V, claim(s) 1 and 7, drawn to the wnt inhibitor protein encoded by the sequence of figure 2.6 and a method of using it, classified in class 530, subclass 350 and 514, subclass 2.

Group VI, claim(s) 1 and 7, drawn to the wnt inhibitor protein encoded by the sequence of figure 2.7 and a method of using it, classified in class 530, subclass 350 and 514, subclass 2.

Group VII, claims 2-5, drawn to a polynucleotide having the sequence of figure 2.1 and means of expression, classified in class 435, subclass 69.1, 320.1, and 325, and class 535, subclass 23.5.

Group VIII, claims 2-5, drawn to a polynucleotide having the sequence of figure 2.3 and means of expression, classified in class 435, subclass 69.1, 320.1, and 325, and class 535, subclass 23.5.

Group IX, claims 2-5, drawn to a polynucleotide having the sequence of figure 2.4 and means of expression, classified in class 435, subclass 69.1, 320.1, and 325, and class 535, subclass 23.5.

Art Unit: 1646

Group X, claims 2-5, drawn to a polynucleotide having the sequence of figure 2.5 and means of expression, classified in class 435, subclass 69.1, 320.1, and 325, and class 535, subclass 23.5.

Group XI, claims 2-5, drawn to a polynucleotide having the sequence of figure 2.6 and means of expression, classified in class 435, subclass 69.1, 320.1, and 325, and class 535, subclass 23.5.

Group XII, claims 2-5, drawn to a polynucleotide having the sequence of figure 2.7 and means of expression, classified in class 435, subclass 69.1, 320.1, and 325, and class 535, subclass 23.5.

Group XIII, claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.1, classified in class 530, subclasses 388.1 and 389.1.

Group XIV, claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.3, classified in class 530, subclasses 388.1 and 389.1.

Group XV, claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.4, classified in class 530, subclasses 388.1 and 389.1.

Group XVI, claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.5, classified in class 530, subclasses 388.1 and 389.1.

Group XVII, claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.6, classified in class 530, subclasses 388.1 and 389.1.

Group XVIII, claim 6, drawn to antibodies against the protein encoded by the sequence of figure 2.7, classified in class 530, subclasses 388.1 and 389.1.

Claims appear in more than one group because they encompass more than one invention.

The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: These sequences are not interlinked either by their structures or by their origins. Consequently, although each represents an independent inventive solution to the problem posed, no common inventive concept exists among them.

The inventions listed as Groups I-VI lack the same or corresponding technical feature as the corresponding nucleic acids of Groups VII-XII because they differ structurally and functionally, can not be used together or interchangeably, and have non-coextensive searches and considerations.

Art Unit: 1646

The inventions listed as Groups I-VI lack the same or corresponding technical feature as the corresponding antibodies of Groups XIII-XVIII because they differ structurally and functionally, can not be used together or interchangeably, and have non-coextensive searches and considerations.

The inventions listed as Groups VII-XII lack the same or corresponding special technical features for the following reasons: These sequences are not interlinked either by their structures or by their origins. Consequently, although each represents an independent inventive solution to the problem posed, no common inventive concept exists among them.

The inventions listed as Groups VI-XII lack the same or corresponding technical feature as the antibodies of Groups XIII-XVIII because they differ structurally and functionally, can not be used together or interchangeably, and have non-coextensive searches and considerations.

The inventions listed as Groups XIII-XVIII lack the same or corresponding special technical features for the following reasons: These antibodies are against proteins whose sequences are not interlinked either by their structures or by their origins. Consequently, although each represents an independent inventive solution to the problem posed, no common inventive concept exists among them.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet Andres, Ph.D., whose telephone number is (703) 305-0557.

The examiner can normally be reached on Monday through Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, Ph.D., can be reached at (703) 308-6564. The fax phone number for this group is (703) 305-3014 or (703) 308-4242.

Communications via internet mail regarding this application, other than those under U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [yvonne.eyler@uspto.gov](mailto:yvonne.eyler@uspto.gov).

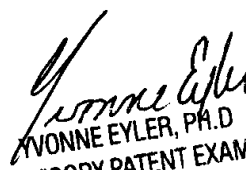
All Internet email communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly

Art Unit: 1646

signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Janet Andres, Ph.D.  
September 19, 2002

  
YVONNE EYLER, PH.D.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600